

IN THE COURT OF APPEAL, FIJI
[On Appeal from the High Court]

CIVIL APPEAL NO. ABU 076 of 2024
[In the Suva High Court Action No. HBC 159 of 2019]

BETWEEN : **ANARETA VIRIVIRI CAMA** of 28A Cape Hill Road, Pukekohe
South Auckland, New Zealand.

Appellant

AND : **LOLOHEA MANU NACOKE** of Veikura No. 1 (Part of) Veisari,
Lami, Fiji.

Respondent

Coram : **Prematilaka, RJA**

Counsel : **Ms. L. Lazel the Appellant**
Oceanica IP Lawyers for the Respondent

Date of Mention : **28 August 2025**

Date of Ruling : **15 September 2025**
in Chambers

RULING


[1] The court file along with the notice of discontinuance was forwarded to me for a ruling in Chambers on 03 September 2025.

- [2] The appellant (original plaintiff) had filed a summons for enlargement of time to appeal out of time on 04 September 2024 against the High Court decision delivered on 07 December 2023.
- [3] The respondent appeared in this court only on the first call date (24 September 2024) and never thereafter. However, the respondent had retained lawyers to represent him and take required steps. All steps leading to a hearing had been completed but the parties were in discussion on a possible settlement.
- [4] This court was informed on 07 August 2025 that the respondent had passed away two days earlier. The counsel for the appellant also informed this court on 28 August 2025 that her client wished to discontinue the proceedings as the respondent had passed on.
- [5] Accordingly, the solicitors for the appellant had on 03 September 2025 filed a Notice of Discontinuance which had been signed by the respondent's former solicitors as well.

Orders of the Court:

- [1] *The application by the appellant to withdraw/discontinue the summons for enlargement of time to appeal out of time dated 04 September 2024 is allowed.*
- [2] *The summons for enlargement of time to appeal out of time dated 04 September 2024 is accordingly struck out.*
- [3] *No order as to cost.*




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Hon. Mr. Justice C. Prematilaka
RESIDENT JUSTICE OF APPEAL

Solicitors:

Lazel Lawyers for the Appellant
Oceanica IP Lawyers for the Respondent